

APS Rec'd/PCT/PTO 04 MAY 2006



Docket No.: 4705-0111PUS1  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Antonio CAMARGO et al.

Application No.: 10/538,071

Confirmation No.: 8916

Filed: June 9, 2005

Art Unit: 1632

For: PROCESS FOR THE DETERMINATION OF  
THE PRIMARY STRUCTURE OF THE  
MESSENGER RNA CODING FOR THE  
HUMAN RECOMBINANT  
ENDOOLIGOPEPTIDASE A (HEOPA)  
[AF217798]...

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Missing Requirements Under 35 U.S.C. § 371, Applicants wish to advise the United States Patent and Trademark Office that a Declaration was filed on February 3, 2006, to perfect Applicant's filing requirements.

The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on June 9, 2005.

104-3 301

I. Statement of Relevant Facts

**No fee is required at this time in view of the Declaration filed on February 3, 2006.**

The present application was filed on June 9, 2005 as a National Stage application under 35 USC § 371 of International Application PCT/BR2003/000189. The application was filed without an executed Declaration/Power of Attorney signed by the inventors.

On June 20, 2005, Applicants' Representative received from the inventors the signed Declaration/Power of Attorney for filing in the application. This paper has been held by Applicants' Representative for filing after receipt of a Notice of DO/EO Missing Requirements in this application.

On January 6, 2006, as no communication had been received from the USPTO, Applicants' Representative checked the PAIR system to determine the status of the application and found an entry dated November 4, 2005 indicating that a Notice of DO/EO Missing Requirements had been mailed in this application. That Notice has never been received by Applicants' Representative.

On January 6, 2006, Applicants' Representative telephoned Mr. Jeremy Fleming at the PCT Help Desk to inquire what might be done to receive the missing Notice. Mr. Fleming was quite helpful, and indicated that he would try to obtain the file and send the missing Notice via facsimile to Applicants' Representative. That facsimile has not yet been brought to the attention of Applicants' Representative and in a subsequent telephone call to Mr. Fleming on January 25, 2006 he indicated that he had sent the paper. Applicants' Representative requested a second transmission and Mr. Fleming was again cooperative but indicated that the file was no longer in his area.

Applicants' Representative has run the docket for the date of January 4, 2006, the date upon which a reply to the Notice of DO/EO Missing Requirements would have been due. A copy of the docket is attached; serial numbers of the applications have been redacted, to protect client confidences. The docket number for this application is 4705-011PUS1. As can be seen, there is no docket entry for this file for the date of January 4, 2006.

In their paper filed February 3, 2006, Applicants' Representative respectfully requested that the Notice of DO/EO Missing Requirements indicated as mailed on November 4, 2005 be re-mailed to the address for **Customer Number 2292** and that the date for response be re-set accordingly.

On March 10, 2006, Applicants' Representative received a copy of the Notices of DO/EO Missing Requirements, as originally mailed November 4, 2005, but the date for response was not reset.

## II. Statement of Relief Requested

Applicants' Representative respectfully requests that the USPTO acknowledge entry of the papers filed February 3, 2006 into the application without charge for extension of time fees.

As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the Declaration and Power of Attorney, filed February 3, 2006, and copies of the attachments filed with the Declaration and Power of Attorney with also a copy of a facsimile transaction report indicating receipt of the Declaration and attachments by the U.S.P.T.O.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 4, 2006

Respectfully submitted,

By Mark J. Nuell  
Mark J. Nuell, Ph.D.  
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(703) 205-8000  
Attorney for Applicant

Attachments: Copy of 371 Formalities Letter  
Copy of Declaration and Power of Attorney  
Copy of Letter submitting Declaration and Request  
to Re-issue Notice of Missing Requirements with attachments  
Copy of fax transaction report



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/538,071                  | Antonio Camargo       | 4705-0111PUS1    |

|                               |  |
|-------------------------------|--|
| INTERNATIONAL APPLICATION NO. |  |
| PCT/BR03/00189                |  |

|                 |               |
|-----------------|---------------|
| LA. FILING DATE | PRIORITY DATE |
| 12/08/2003      | 12/09/2002    |

2292  
 BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 8916  
 371 FORMALITIES LETTER

\*OC000000017232390\*

Date Mailed: 11/04/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2005
- Preliminary Amendments filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

|                             |                               |                  |
|-----------------------------|-------------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
| 10/538,071                  | PCT/BR03/00189                | 4705-0111PUS1    |

FORM PCT/DO/EO/905 (371 Formalities Notice)